

FILED

UNITED STATES COURT OF APPEALS

MAR 20 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID ANTHONY STEBBINS,

Plaintiff - Appellant,

v.

MICROSOFT,

Defendant - Appellee.

No. 12-35082

D.C. No. 2:11-cv-01362-JCC
Western District of Washington,
Seattle

ORDER

On February 1, 2012, this court issued an order staying the proceedings pending disposition of the motion for reconsideration in the district court. On March 2, 2012, the district court denied the motion for reconsideration. The stay order filed on February 1, 2012, is lifted and this appeal shall proceed.

The briefing schedule established January 27, 2012 shall remain in effect.

A review of the district court docket reflects that appellant was permitted to proceed in forma pauperis in the district court, and that such permission has not been revoked. Consequently, appellant's forma pauperis status continues in this court. *See* Fed. R. App. 24(a). Pursuant to 28 U.S.C. §§ 1915(b) (1) and (2), however, appellant must nonetheless pay the full amount of the filing and docketing fees for this appeal when funds are available in appellant's account.

Appellant is not responsible for payment when the funds in appellant's prison trust

account total less than \$10, but payments must resume when additional deposits are made or funds are otherwise available.

Accordingly, within 21 days after the filing date of this order, appellant shall complete and file with this court the enclosed authorization, which directs the prison officials at appellant's institution to assess, collect, and forward to the court the \$455 filing and docketing fees for this appeal on a monthly basis whenever funds exist in appellant's trust fund account. These fees will continue to be collected regardless of the date or manner of disposition of this appeal. 28 U.S.C. §§ 1915(b) (2) and (e) (2).

If appellant fails to comply with this order, the appeal will be dismissed automatically by the Clerk under Ninth Circuit Rule 42-1.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Corina Orozco
Deputy Clerk

PRISONER AUTHORIZATION FORM

I, David Anthony Stebbins v. Microsoft, am the appellant in Stebbins v. Microsoft, docket number 12-35082.

I understand that I am required by statute to pay the full amount of the \$455.00 docketing and filing fees for this appeal, regardless of my forma pauperis status, and regardless of the disposition of this appeal. I hereby authorize the prison officials at this institution to assess, collect, and forward to the district court the full amount of these fees, in monthly increments based on 20 percent of the average of deposits to or balance in my prison trust account, subject to the provisions set forth in 28 U.S.C. § 1915(b).

I understand that I am not responsible for payment when the funds in my trust account total less than \$10, but that payments will resume when additional deposits are made or funds are otherwise available.

NAME David Anthony Stebbins

SIGNATURE _____

DOCKET NO. 12-35082

PRISONER I.D. NO. 64613-1

PRISON FACILITY _____

ADDRESS _____

DATE _____